

§ 29.123

7 CFR Ch. I (1-1-08 Edition)

official authorized to countersign licenses whenever he considers such action to be for the best interest of the service. The designation of an appeal inspector may be withdrawn at any time by the Division. Before the license of an inspector, sampler, or weigher is terminated or revoked pursuant to the Act and the regulations in this subpart, such appointee or licensee shall be furnished by the Secretary, or his designated representative, with a written statement specifying the charges, and within 7 days after his suspension, the licensee may file an appeal in writing with the Secretary supported by any evidence he may wish to offer in connection therewith.

FEES AND CHARGES

§ 29.123 Fees and charges.

Fees and charges for tobacco inspection and certification service shall be collected by the Director to cover, insofar as practicable, all costs of the services, including establishment of standards, administrative, and supervisory costs, as follows:

(a) *Mandatory inspection.* The inspection and certification fee is \$0.009 per pound. The fee shall be paid by sellers of tobacco and assessed against the warehouse or receiving station operator irrespective of ownership or interest in the tobacco. When the warehouse or receiving station operator pays the Department, it is presumed the fee was collected from the seller. Inspection and related services shall be suspended or denied if the warehouse or receiving station operator fails to pay the fees and charges imposed under this section. The fee shall be based on total poundage of tobacco inspected and sold during each calendar month. The fee shall be due and payable on the first day of the immediately following month and on the day immediately following the last sale each marketing year. Mandatory inspection and certification services shall take precedence over permissive inspections, other than reinspections.

(b) *Domestic permissive inspection and certification.* (1) Fees and charges for inspection at redrying plants shall comprise the cost of salaries, travel, per diem, and related expenses to cover the

cost of performing the service. Fees shall be for the actual time required to render the service calculated to the nearest 30-minute period. The hourly rate shall be \$47.40 per hour. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be \$53.70 per hour. The rate of \$64.45 per hour shall be charged for work performed on Sundays and holidays. These same fees shall be applicable for hogshead, bale, cases or sample inspections. (2) Fees and charges for inspection of tobacco performed at receiving points is \$.01 per pound.

(c) *Export permissive inspection and certification.* The inspection and certification fee for export tobacco is \$.0025 per pound.

(d) Fees and charges fixed in accordance with this subpart shall be paid by the applicant or person obtaining the service in accordance with a statement rendered by the Division. A deposit to cover all, or a part of, fees and charges for services to be rendered may be required by the Division. Fees for services rendered shall be remitted by check or draft made payable to "Agricultural Marketing Service", United States Department of Agriculture.

(e) Fees for special tests and services will be determined by agreement between the Deputy Administrator, Tobacco Programs, and the applicant or applicants for service.

[46 FR 62393, Dec. 24, 1981, as amended at 47 FR 27058, June 23, 1982; 47 FR 51723, Nov. 17, 1982; 50 FR 45805, Nov. 4, 1985; 54 FR 3406, Jan. 24, 1989; 54 FR 27856, July 3, 1989; 54 FR 47756, Nov. 17, 1989; 56 FR 31534, July 11, 1991; 56 FR 41921, Aug. 26, 1991; 60 FR 33100, June 27, 1995; 64 FR 67470, Dec. 2, 1999; 65 FR 34040, May 26, 2000; 65 FR 36782, June 12, 2000; 66 FR 28361, May 23, 2001; 67 FR 36081, May 23, 2002]

§ 29.124 When application rejected or withdrawn.

When an application for inspection, sampling, or weighing is rejected in accordance with § 29.62, or withdrawn in accordance with § 29.63, the applicant may be required to pay a reasonable charge for the time used by an inspector, sampler, or weigher, and other expenses incurred in connection with such application prior to its rejection or withdrawal.